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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT of NEW YORK

YURI COUTO,  
an individual,

-against-

AMERICAN EXPRESS COMPANY,  
a New York corporation.

**MEMO ENDORSED**

Case 1:23-CV-10085-KPF

**Motion for Default  
Judgment**

Plaintiff hereby moves before the Honorable Judge Failla of United States District Court for the Southern District of New York, for entry of Defendant's Default and Default Judgment granting Plaintiff's relief or that relief which the honorable Judge finds, in her wisdom, to be equitable and just given the facts of law and circumstances at hand, pursuant to the supplemental Memorandum Affidavit in Support of Plaintiff's Motion for Default Judgment.

Respectfully submitted,

/s/ Couto, Yuri-Jacinto, agent and bene. without prejudice Date: January 21, 2024  
YURI J COUTO, Principal  
c/o 9302 N 28th St  
Tampa, Florida [33612]  
Hillsborough County  
813-846-2395  
Yuric96@yahoo.ca

**CERTIFICATE OF SERVICE AND NOTICE OF SETTLEMENT AMOUNT**

I declare under penalty of perjury under the laws of the United States of America that this document has been served upon the Defendant as required by the FRCP. Service to Defendant is made by court e-noticing and mailing of motion documents to Defendant's address (200 Vesey St, New York, New York 10285).

1/21/2024

/s/ Couto, Yuri-Jacintho, Agent without prejudice

Dated

Plaintiff's Signature

YURI J COUTO

c/o 9302 N 28th St, Tampa, Florida [33612], Hillsborough County  
813-846-2395

Yuric96@yahoo.ca

Application DENIED. Plaintiff has not obtained a certificate of default from the Clerk of Court's office, as is required by the Court's Individual Rules and Local Civil Rule 55.2(b). Nor could Plaintiff obtain such a certificate, as Defendant has appeared in this action and filed a pre-motion letter seeking leave to file a motion to dismiss this action. (Dkt. #11).

Plaintiff is reminded that the Court has scheduled a telephonic pre-motion conference on **March 5, 2024**, and ordered Plaintiff to file a response to Defendant's pre-motion letter, not to exceed three pages, on or before **February 29, 2024**. (Dkt. #12).

The Clerk of Court is directed to terminate the pending motion at docket entry 13, and to mail a copy of this endorsement to Plaintiff at his address of record.

Dated: January 23, 2024  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE